

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arcata Fish and Wildlife Office

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Arcata, California, 95521

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In Reply Refer To:
8-14-2009-TA-3640

MAR 24 2009

Mr. Christopher E. Browder
Deputy Chief, THP Administration
Dept. of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-22460

Subject: Response to Request for Technical Assistance Regarding Northern Spotted Owl (*Strix occidentalis caurina*) Survey Protocol Application to Timber Harvest Plans and Nonindustrial Timber Management Plans in Coastal Northern California

Dear Mr. Browder:

This responds to your request for U.S. Fish and Wildlife Service (Service) technical assistance, received in our office on February 26, 2009, on the application of the Service endorsed Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (Protocol) to timber harvest plans and nonindustrial timber management plans in Coastal Northern California. Modifications to the Protocol have been made by the Service to adapt a data collection process into an efficient and effective incidental take avoidance process. At issue in the request is the clarification of several issues, listed below, concerning the Service's application of the Protocol in the California Department of Forestry and Fire Protection's Coastal District. After review of the information pertaining to this request, the Service provides the following technical assistance.

Survey Period: Please clarify what date the Service uses to initiate surveys under the Protocol, and on what date Protocol surveys may be completed.

On page 5 of the Protocol it states that "for areas where there is adequate biological information that birds are defending their established territories prior to 15 March, then earlier dates may be used as a starting time". The Arcata Fish and Wildlife Office has on file an abundance of survey data collected in the Coastal District that indicates spotted owls are defending their territories prior to March 15th. As a result, we have determined that in the Coastal District Protocol surveys may start as early as March 1st, weather permitting.

The earliest completion date for Protocol surveys conducted in the redwood region was first addressed by the Service in a letter from our Sacramento Office to the Sacramento Office of the Department of Fish and Game in May of 1992 (see attachment). In that letter, the Service addressed the necessity of delaying the completion of Protocol surveys in the redwood region until June 1st. Based on data received from Dr. Lowell Diller of the Simpson Timber Company, our conclusion was that, "in the California coastal area, surveys that include at least one complete visit after May 15 and otherwise meet the March, 1992, revised protocol should be regarded as adequate...". The Arcata Fish and Wildlife Office has used May 15th as the earliest date to complete Protocol surveys since the initiation of the technical assistance program in 1999.

Duration of surveys: Please describe how the Service applies the results of a completed two-year Protocol survey in subsequent years of operations.

The Protocol addresses the utilization of survey results in years three and onward on Page 2/fourth bullet: "if a two-year survey is completed (3 visits/year protocol), using the Service's survey protocol, and no responses are obtained, the negative results may be considered accurate for 2 additional years without conducting additional surveys." The Service has not applied this aspect of the Protocol because the Protocol assumes that all suitable spotted owl habitat located within a 1.3 mile radius of the project area is surveyed. This assumption generally is not met because landowners rarely have access to all suitable spotted owl habitat within 1.3 miles of their projects. In addition, spotted owl densities in the Coastal District rarely result in negative results over an area that large.

Once a two-year survey conducted otherwise in compliance with the Service's modifications to the Protocol has been completed, the assumption is that either the currently active sites have been found, or there are no currently active sites within the surveyed area. In the third or more year of surveys for a particular project, if there have been no spotted owl detections and there are no known historic sites within the survey area, the surveys are expected to follow the Service's modifications to the Protocol in every way except they can be completed prior to May 15th. Three visits conducted at least one week apart, weather permitting, is sufficient to determine whether any new sites have been established, or if any known sites have been reoccupied. If no detections are recorded after this effort, surveys can be considered complete for the year.


If historic records or surveys establish that there is a known site located within 0.5 mile of a proposed harvest area, a site monitoring visit may be utilized to determine occupancy. If the monitoring visit determines a known site located between within 0.25 and 0.5 mile of a proposed harvest area is occupied, nesting may be assumed and additional surveys are not necessary. If a known site located within 0.5 mile of planned operations is found to be inactive, surveys are then concentrated on the harvest area and are conducted in accordance with the Service's modifications to the Protocol to establish that the owls haven't moved into, or within 0.25 mile of, the harvest area.

Nesting Status: Please clarify how many survey visits the Service considers necessary to determine nesting and non-nesting in a survey year.

The Arcata Fish and Wildlife Office approaches each northern spotted owl breeding season by assuming at the on-set that all occupied activity centers are considered reproductive and are protected with seasonal restrictions. To relieve the seasonal restrictions associated with all occupied activity centers, at least one monitoring visit needs to be conducted after May 15th to determine non-nesting. To determine non-nesting after May 15th, the female must be observed off of the nest for a minimum of 60 minutes, and the results of the presentation of prey items must indicate non-nesting; i.e., they cache the prey, sit with the prey, or refuse to take additional prey beyond the minimum of two offered prey items. If an April monitoring visit conducted as described above determines non-nesting, then the post May 15th visit only requires the female to be observed off of the nest for a minimum of 30 minutes.

The Service is grateful for the opportunity to provide CAL FIRE with the above information. Please feel free to contact Mr. Ken Hoffman of my staff at the Arcata Fish and Wildlife Office at (707) 822-7201, if you have questions regarding this response.

Sincerely,

 JB for M.L.

Michael M. Long
Field Supervisor

attachment
814-2009-TA-3640



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Fish and Wildlife Enforcement
Sacramento Field Office
2800 Cottage Way, Room B-1803
Sacramento, California 95825-1846



In Reply Refer To:
1-1-92-TA-879

May 26, 1992

Mr. Jim Steele
Timber Harvest Review Section
California Department of Fish and Game
1416 Ninth St.
Sacramento, California 95814

Dear Mr. Steele:

This office has received a number of questions regarding a statement in the March, 1992 revised northern spotted owl survey protocol that suggests that at least one survey visit be conducted in the month of June. On May 22, 1992, we received from Dr. Lowell Diller of Simpson Timber Co. a summary of information on 242 known nesting attempts over three breeding seasons. This information strongly indicated that while spreading surveys over several months is desirable, delaying surveys until June is not necessary to detect nesting attempts in the redwood region. Therefore, the Service determines that, in the California coastal area, surveys that include at least one complete visit after May 15 and otherwise meet the March, 1992, revised protocol should be regarded as adequate to avoid take of northern spotted owls. If you or your staff have questions on this matter, please contact Phil Detrich, Steve Spangle, or Mike Horton at 916/978-4866.

Sincerely,

Wayne S. White
Field Supervisor

cc:

ARD/FWR, U.S. Fish and Wildlife Service, 911 N.E. 11th Ave, Portland Oregon

Mr. Ken Moore, California Department of Fish and Game, 619 Second Street,
Eureka, California 95501

Mr. Gary Stacy, California Department of Fish and Game, 601 Locust St.,
Redding, California, 96001

Mr. Ted Wooster, California Department of Fish and Game, PO Box 47,
Yountville, California, 94599

